Helmut Sporer 1 Oct 2013

Detective Chief Superintendent of the Crimes Squad, Augsburg

Speech for the Seminar "Reality of Prostitution" of the European Women´s Lobby

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Ladies and gentlemen,

I am pleased to be able to give you an insight into the current situation regarding prostitution in Germany.

Allow me to introduce myself. My name if Helmut Sporer and I am Detective Chief Superintendent of the Crimes Squad, in Augsburg, Germany.

I am working with the criminal police in Augsburg. This is a city in the south of Germany, in Bavaria, 70 km from Munich. Augsburg has a population of around 300 000, and if we include the surrounding areas, that figure rises to nearly half a million people.

For eleven years I have headed a Kommissariat (crimes squad) with about 30 investigators. Our responsibilities include the monitoring of prostitution and the struggle against pimping and trafficking.

I have been working in this area for roughly 20 years. Therefore I have been a close observer of some of the dramatic changes in the last years.

My speech is not an academic lecture. It is largely and pragmatically drawn from insights gained through our experiences in our investigative work.

Augsburg has around 600 to 700 women regularly in prostitution. Ten years ago, that number was about 30% lower. The women are in eleven larger brothels as well as in about 130 usually discreet apartments serving as brothels. The women stay in Augsburg for a few weeks only, before moving on to other cities. This means that there are about 1500 – 2000 prostitutes temporarily in Augsburg during the course of a year.

Monitoring prostitution is the sole task for a number of officers in my department. They regularly check the brothels and speak to the women there, which is somewhat comparable to the social or counselling work of what in German we term a "street worker" (= the offer of counselling where counsellors speak directly to the people, as opposed to working in an office and people coming to them). The officers try to find out if the women work there voluntarily or if they have been pressurised into this line of work, and if they are the victims of trafficking or pimping. This is very difficult to establish. However, the deployment of these "red light investigators" has proven very helpful. They know the scene very well and can often win the women´s trust.

Up until early this year, Augsburg also permitted street prostitution. In the last decades there had never been significant problems connected with this. Yet, together with the local administration, we decided to prohibit street prostitution. What were our reasons for doing so?

In the course of 2012 the entire nature of the street prostitution in Augsburg changed dramatically. Suddenly, there were more and more women from the new EU countries, especially Hungary, Romania and Bulgaria. They were not there alone, however. In the background we could observe their pimps or traffickers. They controlled the women at their work.

Finally, the streets were crowded with entire gangs of pimps, and they fought each other brutally. There were severe cases of extortion, kidnapping and trafficking. Several raids led to the arrest of six perpetrators. The last among them received a prison sentence of 6 ½ years a few weeks ago.

Several women finally testified that these men had exploited them and had put pressure on them. The women only did so, however, after the pimps had been jailed. Previously, they had been too afraid of them to speak up.

Pimping gangs from Eastern Europe appear to have a bottomless pool of resources at their disposal. There was a very real danger that this situation would be repeated. This is why street prostitution in Augsburg was banned completely: for security reasons. Since then, the scene has calmed down. Any expert knows, however, that this temporary lull does not mean the underlying problems have been solved. Trafficking still exists in our city, only it has become less public.

This turn of events is not typical of Augsburg alone. This could happen in any other city in Germany, at least in any other city still permitting street prostitution.

Why do these situations exist? Such pimp wars, this organised gang-like trafficking?

One reason, of course, is the expansion of the EU in 2004 and 2007. Since then we have seen a huge and uncontrolled influx of women from south-eastern Europe who are now in prostitution here. You all know this phenomenon, as it also exists in Germany´s neighboring states. This is why I won´t describe it in detail here.

Rather, I wish to explore the specific situation in Germany. There are further reasons for the dramatic changes, especially in Germany:

The change in the legal framework of prostitution is a major factor and the Prostitution Act of 2002 signaled a completely new approach to prostitution.

I would like to elaborate on this briefly:

Even before 2002, prostitution was legal, but considered to be “immoral”, i.e. “against good morals and customs” – “sittenwidrig”. The prostitute stood on the margins of society, but she wasn´t devoid of rights. At least there were criminal laws protecting her. The point is that these laws protected the free will of the women in prostitution, i.e. their freedom of action within prostitution. Anybody who wanted to tell a prostitute how she had to do her job, where and when she was supposed to work, what prices she was to demand for the sale of her body, what sexual practices she had to offer, how long she was to work, how she was supposed to be dressed, etc., acted in a criminal and thus punishable manner as in pimping, trafficking or the aiding and abetting of prostitution and risked a high prison sentence.

The new Prostitution Act of 2002 turned the same actions, the very same rules set by brothel operators and pimps, from punishable offences into legal practices - overnight.

The new law gave them a “right of direction” (Weisungsrecht) over the women in prostitution. They can now legally give orders to the women. Only the worst kinds of orders, e.g. that a woman has to engage in specific sexual practices with a specific punter, remain illegal. Practically all other forms of influence are well within the limits of this law. They are now part of the right of direction exerted by those who run the brothel. The women are no longer sufficiently protected from these people, and for legal reasons, the police can no longer intervene. This is a very difficult situation for us.

This is precisely what we came up against in the course of investigations against a brothel in Augsburg a few years ago. We had found that the women were subjected to very strict rules and regulations by the brothel operators. For example, they had to be at the disposal of the punters for

13 hours running, they weren´t allowed to leave the brothel earlier, they had to walk around stark naked, they weren´t even allowed to decide on the prices for their services. Prices were unified and set. Some had to offer unprotected sex. And they all had to pay fees to the brothel for the infringement of any of these rules. These conditions are of course incompatible with human dignity. But the court declared all of this to be legal now, because of the new Prostitution Act.

It has led to a massive reduction of the legal standing of the women. What has developed is a legally instituted relationship of precedence and subordination that is being exploited by the profiteers in the red light business. You could therefore say it is a new form of slavery, under state supervision.

Those making the law wanted to integrate prostitution into normal, regular forms of work. Prostitution was to become a job like any other, with an official boss, a working contract and even a trade union. Of course this could never have worked out. Criminal pimps and demimonde types as brothel operators or members of rocker gangs do not turn into honest business men or employers at the push of a button.

The women are the ones to lose out with this approach and it is leading us in the wrong direction: Prostitution is a very intimate form of service and cannot be compared to any other type of employment. It simply isn´t a job like any other. If it was, there would be no need to discuss exit support. Fortunately, Germany has begun to realise this. But the Prostitution Act is still valid. In this way Germany must be a unique country in the world.

There is another decisive change in the law I would like to inform you about. Up until 2001 regular health checks were mandatory for the women in prostitution. The examinations were free of charge and carried out by the public health offices (Gesundheitsamt). These health checks served both the women and the punters, and they were well accepted by the women.

In 2001 this obligation to undergo health examinations was legally abolished. As had been predicted by experts, the number of women having checks has dropped dramatically. Today, only 1 – 5% of the women attend these checkups instead of the 100% level of the past.

At the same time there are more and more women in prostitution hailing from countries where there are particularly high rates of STDs. Some have caught the infections prior to entering Germany. They have no knowledge of public health offices, or their pimps do not want them to leave the brothels.

And at the same time we also see more and more punters demanding sexual contact without a condom and paying higher prices for this. This is what many women tell us. They accept this because of their poverty. Otherwise they don´t make any money.

To illustrate this trend, I can recount an interesting episode. Two years ago we were investigating a Hungarian trafficker. He had brought several 18- and 19-year-old-girls from Hungary to Augsburg, and he was keeping tight control of the girls. In order to do this he hid in a wardrobe when punters arrived. He forced the girls into unprotected sexual contact with the punters. He also then had sex with them himself – and he always used a condom. He himself was very much afraid of contracting STDs. This example clearly shows the unreasonable behavior of the punters, the lack of choice for the victims, and the ruthlessness of the profiteers.

We are also seeing a further trend: there is a rising demand for very young, even childlike women. Many brothels are especially interested in women size 32 or 34 in German clothing sizes (corresponding to 6-8 in British sizes, or 2–-4 in American sizes). These girls are especially popular

with punters. The punters´ jargon for this is “fresh meat”. That is a very ugly term, undignified for human beings, but it is the reality we face.

Punters use special websites to discuss new “offers” of “fresh meat”. There are also top ten charts of women, where the women are rated according to their `qualities´, their performance, their dedication – similar to soccer. Soccer also has the player of the week.

And there is another noticeable trend in Germany: Prostitution has come to be accepted, at least in parts of civil society. In these particular groups, visiting a brothel and buying a woman is considered as cool.

There is also a new type of punter. He is assertive and confident. This becomes very apparent during raids or checks of brothels. Punters used to feel embarrassed at being found there. If their names were taken down, some of them at least started sweating or showed an increased pulse rate. These days, raids in brothels do not deter the punters from entering the brothel even if the presence of the police is clearly visible. They wait patiently for the police to finish checking the brothel and for the women to be available again.

The question is how the scene could change so drastically.

The Prostitution Act and its related message that prostitution is a job like any other certainly hasn´t missed its mark.

Then there are recurring superficial `documentaries´ on TV or discussion panels, in which carefully selected token prostitutes praise the greatness of their work, and of how they get to make all their decisions independently. This often creates the impression that this is the rule and not the exception. And it seems that a large proportion of the audience falls for this. What is being created here is a false image.

We keep reading that there are 400 000 women in prostitution in Germany. Experts think there are fewer, 300 000 at the most. 90% of these women have not freely chosen prostitution, they are subjected to various forms of pressure. About 80% of the women these days come from abroad, they are migrant women, especially from the new EU member states in South East Europe. However – nobody can say for sure. Why don´t we have reliable data?

Contrary to regulations in other European states, prostitutes do not have to register anywhere in Germany. This is true especially of those who do not stay in one place for long, who move from city to city, and who do not register themselves anywhere, neither with the local administration, nor with the police, nor with public health offices, nor elsewhere. They do not need any proof of health insurance, nor necessarily a tax number.

The better part of all women in prostitution therefore do not officially exist even, they are practically outlaws. If a woman goes missing, absolutely no one will notice.

Thus, we have no stable or clear view of the overall scenario.

Of course this makes Germany very attractive for traffickers and other profiteers in this environment. They can basically act in any manner they please unimpeded by any kind of public regulations. Opening a brothel does not require a permit.

These days, even a convicted trafficker can do that perfectly legally.

The liberal regulations have led to the emergence of a complete industry in the trafficking of women, with both small and large retailers delivering women to the brothels.

The average typical prostitute we meet in the brothels is an 18 to 22 year old girl from Romania who speaks very little or no German. She supposedly found the brothel´s address on the internet, arrived there on her own and began working there out of her own volition.

Of course it is quite clear that this girl is not speaking the truth, but rather she is keeping silent about having arrived with a facilitator to whom she now owes money. She is clearly a victim of trafficking. At the same time the girl is afraid of speaking the truth and this makes it incredibly difficult for the police to prove that.

Sometimes we can prove the mechanisms of trafficking. We had a case in Augsburg where we could convict a Hungarian trafficker who was a really large `retailer´, a former Foreign Legionnaire. He had acted as an agent for several brothels in Germany and Austria and placed up to 150 women there per year. The brothels ordered the women from him as in a catalogue, sorted according to size, hair colour, figure etc. And this major retailer even offered a return of merchandise guarantee, if the woman didn´t please or did not meet the demands of the customer.

These incidents are only able to occur in the first place due to very liberal laws and because many aspects of prostitution are not regulated at all.

This is what has turned Germany into the El Dorado for pimps. And for punters. More and more of these arrive even from abroad, for example from Italy or France. They take advantage of the special offers in Germany like e.g. flat-rate brothels. A punter pays a set price of €100 for example and this gives him the right to as many women as he wants.

What is very important here is the awareness of the fact that prostitution and trafficking are a joint phenomenon. There is no such thing as clean, good prostitution on the one hand and quite separate from this the bad trafficking with pimping on the other.

Finally I would like to inform you of some positive trends:

The cooperation between the criminal police and NGOs for the support of the victims of trafficking has developed in a very good way over the last 10 years. We move the identified victims of trafficking regularly to such NGOs following raids, mostly to SOLWODI. The girls are very well looked after and receive good support there as regards their statements before the courts during the trials and as regards a preparation for a life out of prostitution.

In addition, a large number of initiatives have formed recently that wish to end the abusive situation in prostitution. Dedicated people and groups have started to exert pressure on politics and there is a new sense of purpose and energy to at last effect a change here. That gives me hope.

Briefly summarised, these are the propositions about things that must change:

- Abolishment of the indecent right of direction: prostitution should be legal only as an independent activity. This protects the freedom of the women to make their own decisions regarding times, practices and punters.
- The minimum age for entering prostitution is to be raised to 21. More than half of the identified victims of trafficking are younger than that. At that age girls are very easily manipulated.
- Reintroduction of regular health checkups. The women want this. It gives them protection and safety.
- Support, counselling and help in exiting prostitution to be guaranteed.
- Mandatory registration of women in prostitution.

- Compulsory permits and licensing for brothels.
- A change in criminal law that enables the sentencing of pimps without their victims´ statements in court. Currently nearly everything in court depends on the woman´s statements and without these the perpetrator cannot usually be sentenced.

The Augsburg police compiled these proposals for improvement in the policy framework within which they work a few years ago in a conceptual paper.

The seminar´s motto “A Europe without prostitution” is an honorable approach. When I look at Germany, the abolition or prohibition of prostitution there simply cannot be envisioned in the current climate. This makes me very modest and pragmatic in my demands: For the time being, seeing the most urgent improvements implemented would already assure me, because they would provide great help to the women concerned.

Thank you for your attention.

Helmut Sporer

Kriminalpolizeiinspektion Augsburg

Gögginger Straße 43, 86159 Augsburg

Email: helmut.sporer@polizei.bayern.de